

PETITIONER:
STATE OF ORISSA & ORS. ETC.

Vs.

RESPONDENT:
NIRANJAN NAYAK & ANR. ETC.

DATE OF JUDGMENT: 21/04/1997

BENCH:
K. RAMASWAMY, D.P. WADHWA

ACT:

HEADNOTE:

JUDGMENT:
Present:

Hon'ble Mr. Justice K. Ramaswamy
Hon'ble Mr. Justice D.P. Wadhwa

Jana Kalyan Das, And S. Misra, Adv. for (P.N. Misra) Adv.
for the appellants

A. Mariarputham, Mohan Kr. Mohanty, Ms. eAruna Mathur and
Jaya Salva, Advs. for the Respondents.

O R D E R

The following Order of the Court was delivered:

WITH

CIVIL APPEAL NOS. 3180 - 3201 OF 1997

(Arising out of SLP (C) Nos.18921, 21506, 21516/96, 3839,
4560, 5216, 5868, 7924, 7926-28, 8456-57, 8461-67, 8774 and
9775/97)

O R D E R

Leave granted.

We have heard learned counsel on both sides.

These appeals by special leave arise from the judgment
of the Orissa High Court, made on April 19, 1995 in O.J.C.
No. 1196 of 1994 and batch.

The Government has prescribed April 1, 1981 as the cut
off date for acquisition of the qualification and those who
have acquired the qualifications prior to that date are
entitled to the additional amounts as prescribed under the
Rules. The High Court has allowed the writ petitions without
reference to the relevant Rules. It is settled law that the
cut off date has to be valid and bears reasonable
relationship to the object sought to be achieved.

It is stated that the teachers are relying upon Rule 9
of the 1974 Rules. We are informed that several writ
petitions are pending in the High Court on the basis of Rule
9. In that view of this matter, it may be desirable that all
these matters be decided by the High Court.

Taking an over all view of all the facts, the appeals
are allowed. The judgment of the High Court stand set aside.
The High Court is at liberty to consider the matter afresh.
Learned counsel for the respondents states that orders were
implemented subject to the result of the appeals
Implementation of the order does not stand on the way of the
High Court to have the matter examined. No costs.

JUDIS